

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6337 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DIWANSING J THAKURE

Versus

STATE OF GUJARAT

Appearance:

MR MC BHATT for Petitioner

MR NN PANDYA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/07/96

ORAL JUDGEMENT

1. The only contention made by the counsel for the petitioner is that the economic rent has been demanded from the petitioner for the period of retaining the possession by him of the quarter (Government accommodation) after his transfer beyond permissible limits, under the circular dated 22nd October, 1982 which has been circulated vide letter dated 5th December, 1983 could not have been made applicable from retrospective

effect. The period for which economic rent has been demanded from the petitioner is from 4-1-1981 to 3-9-1983 and by resorting to the provisions of the aforesaid circular, the impugned order could not have been passed. This ground has been specifically taken by the learned counsel for the petitioner in this Special Civil Application. No reply has been filed by the respondent to controvert this position. While issuing notice to the respondent by this Court on 30 th December, 1983, ad interim relief has been granted in terms of Para 13(c). Annexure J, K and M have been challenged in this Sp. Civil Application. The demand made of the economic rent is for Rs.48,384/-. The petitioner is also sought to be evicted from the quarter, but there no dispute now that the petitioner has already vacated the quarter. As this Court has already protected the petitioner against the recovery of the economic rent as demanded, I am of the opinion that the interest of justice will be met if this Special Civil Application is disposed of with the directions to the respondent, that the respondent will consider this writ petition as a representation by the petitioner against the demand of the economic rent from the petitioner for the period of retaining the possession of the quarter beyond permissibe limit, and consider all the contentions made therein by the petitioner, and pass an appropriate order within a period of three months from the date of receipt of the certified copy of this order. In case, the contentions of the petitioner are not acceptable then the respondent shall pass a speaking order and a copy of the same shall be sent to the petitioner by registered post. Till the matter is decided by the respondent as ordered by this Court, the interim relief granted by this Court shall continue. Rule is made absolute in the aforesaid terms with no order as to costs.
